IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 19952 of 2004

Between:

P.Raghu Rami Reddy, S/o.Late P.Thirupathi Reddy,
R/o.Konetammapalli, Nandikottur Mandal, Kurnool Dist.

..... PETITIONER

AND

1 The Government of A.P.rep.by its Prl. Secretary, Home Department,

Secretariat Buildings, Hyderabad.
2 The Superintendent of Jails, Central Prison, Cherlapally, Hyderabad.
3 The Superintendent of Police, Kurnool.
4 Gowru Venkata Reddy, S/o.Janardhana Reddy,
Convict No.2094 now on Parole at Brahmanakotkuru village,

Nandikotkuru, Mandal, Kurnool Dist.
5 Smt. Gouru Charitha W/o. Gouru Venkata Reddy, M.L.A.,
Brahmanakotkuru village, Nandikotkuru Mandal, Kurnool District.
6 Sri A.K. Tigidi, Prl. Secretary to Government., Home Dept.Secretariat,

Hyderabad

(RR 5&6 impleaded as per court order dt. 13-12-2004 in
WPMP 28675 of 2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of mandamus declaring the action of the 1st respondent in granting Escort parole to the 4th respondent through G.O.Rt.No.1548 Home (Jails-C) Department, dated 18-10-2004 and the granting of parole frequently and their extension through periodical Government Memos as illegal, irregular, arbitrary, malafide, violative of the suspension of sentence on parole Rules 1981 and unsustainable and set aside G.O.Rt.No.1548 Home (Jails-C) Department, dated 18-10-2004 of the 1st respondent.

Counsel for the Petitioner:MR.P.VEERA REDDY

Counsel for the Respondent Nos.1 to 3 and 6: GP FOR HOME

Counsel for the Respondent Nos.4 and 5: Mr.V.R.Avula

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petition is filed as Public Interest Litigation questioning the action of the respondents in granting parole to the fourth respondent. Petitioner alleged that parole has been granted on the ground of illness of the mother of the fourth respondent, though the mother expired long back. Petitioner has also alleged mal fides in the grant of parole since wife of the fourth respondent is stated to have been elected to the Legislative Assembly as a candidate of the ruling party.

In the reply affidavit filed by the respondents 1 to 3, it is stated that parole was granted strictly in accordance with the Suspension of Sentence on Parole Rules, 1981 but it was a pure clerical omission that instead of illness of the grandmother, the reason stated in the final order was illness of the mother. As a matter of fact, it was the grandmother of the fourth respondent who was ill and parole was granted on that account.

It has been brought to our notice that the period of parole is now over and the respondent No.4 has been taken in custody. In this view of the matter, no other or further direction deserves to be issued in this petition except by directing that in

future, in case of any necessity of granting parole, the same will be granted strictly following the procedure and on the grounds as stated in the Suspension of Sentence on Parole Rules, 1981.

Petition accordingly stands closed.

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DEVINDER GUPTA, CJ

7-2-2005

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M.NARAYANA REDDY, J

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To

1 The Principal Secretary, Government. of A.P. Home Department,

Secretariat Buildings, Hyderabad.
2 The Superintendent of Jails, Central Prison, Cherlapally, Hyderabad.
3 The Superintendent of Police, Kurnool.
4 Sri A.K. Tigidi, Prl. Secretary to Government., Home Dept.,

Secretariat, Hyderabad.

5 2 CCs to the Govt. Pleader for Home, High Court Buildings,

Hyderabad, (OUT).

6 2 CD copies.